

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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THOMAS CASTELLANO, an individual; LESLIE : Civil No.: 2:10-CV-05898 (JFB)  
CASTELLANO, an individual; on behalf of themselves : (WDW)  
and all others similarly situated :  
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Plaintiffs, :  
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:  
v. :  
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GLOBAL CREDIT & COLLECTION CORP. :  
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:  
Defendant. :  
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:  
-----X JANUARY 28, 2011

**REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR  
EXTENSION OF TIME TO PLEAD**

On January 26, 2011 the defendant filed a motion for extension of time of 30 days within which to file a responsive pleading to the plaintiffs' complaint. The defendant's counsel explained in that motion, as it had to plaintiff's counsel, that the law office of Wilson, Elser, Moskowitz, Edelman & Dicker LLP was recently retained by the defendant , Global Credit & Collection Corp. and required the additional time within which to review the allegations in the complaint and determine whether there are any defenses available. In fact, the retention of the firm had been worked out only the prior day. The defendant's counsel indicated in its motion, and the plaintiffs' counsel admitted in his opposition, that the defendant's counsel's office attempted to contact the plaintiffs' counsel prior to filing the motion, with no response.

After the filing of the motion for extension of time and still having failed to reach out to the defendant's counsel, despite defendant's counsel's numerous attempts, the plaintiff's counsel filed an objection to the motion for extension of time indicating that 30 days was "excessive" in his opinion in light of the fact that this defendant is sued repeatedly in federal court, which has no bearing on the present CLASS ACTION that has been filed by the plaintiffs' counsel. This Court can examine any federal court docket and determine that the filing of actions under the Fair Debt Collection Practices Act 15 U.S.C. 1692, *et. seq.* (hereinafter "FDCPA") are rampant, due in large part to the fact that a plaintiff's counsel has the ability to collect his costs and fees and, as such, loses nothing by filing a lawsuit, frivolous or not. *See Rodriguez v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, 2009 U.S. Dist. LEXIS 23044 \*2 (N.D. Ill. March 10, 2009) (recognizing the "proclivity of some lawyers to seize on nonmaterial minutiae in an effort to grasp the brass ring of attorneys' fees that are awardable to successful plaintiffs under the Act.").

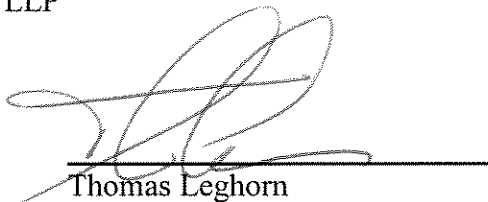
It is for this reason that each and every FDCPA action, especially ones that are pled as class actions, have to be carefully reviewed to determine if there is any merit to the claims made, if there is any possibility of filing a pre-answer motion to dismiss and/or whether early settlement negotiations are appropriate to reduce the amount of attorneys' fees that may ultimately result. Asking for a period of 30 days when the undersigned's office has recently been retained is hardly "excessive" in light of the exposure to the defendant in any FDCPA action.

Based on the above, the defendant respectfully requests that this Court grant its motion for extension of 30 days, up to and including February 26, 2011 within which to respond to the plaintiffs' class action complaint.

Dated: New York, NY  
January 28, 2011

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP

A handwritten signature in black ink, appearing to read 'T. Leghorn', is written over a horizontal line.

Thomas Leghorn

Jill E. Alward

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Corp.

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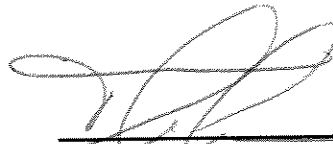
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 28, 2011, a copy of the foregoing Motion for Enlargement of Time was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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Thomas A. Leghorn